



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ION CATALIN VRANCEA,
Plaintiff,

v.

THE UNITED STATES OF AMERICA,
THE DEPARTMENT OF JUSTICE, et al.,
Defendant's.

Case: 1:19-cv-00385

Assigned To : Unassigned

Assign. Date : 2/7/2019

Description: FOIA/Privacy Act (I-DECK)

CASE NO:

Request No. EOUSA-2018-002946

Appeal No. DOJ-AP-2018-006310

PLAINTIFF'S REQUEST FOR SANCTIONS PURSUANT TO

5 UNITED STATES CODE, SECTION 552(g); PRESENTING VIOLATION OF THE PRIVACY ACT--

COMES NOW, Ion Catalin Vrancea, Plaintiff in the above cause of action and duly moves by trust of the 5 United States Code, Section 552(g) for sanction of \$ 1,000 Dollars for the Defendants failure to comply with the Freedom of Information Act.

Plaintiff invokes the Privacy Act which "safeguards the public from unwarranted collection, maintenance, use and dissemination of personal information contained in the agencies records by allowing an individual to participate in ensuring that his records are accurate and properly used, "Henke v. Department of Commerce, 83 F.3d 1453, 1456 (DC Cir., 1996) See also, FAA v. Cooper, 566 U.S. 284 (US, 2012) (noting the comprehensive and detailed set-out requirements" laid out in the Privacy Act specifically prohibits disclosure of "any record which is contained in a system of records by any means of communication to any person, or to another agency" without the consent of the individual to whom the records pertain or disclosure

is otherwise authorized under the Privacy Act, 5 U.S. Code, Section 552(a)(b).

A record is accordingly defined under 5 U.S. Code, Section 552(a)(4) and (a)(5). In addition, to prohibit disclosure, the Privacy Act requires an agency to secure records by establishing appropriate administrative technical and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained 5 U.S. Code, Section 552(e)(10).

J U R I S D I C T I O N

This Court has jurisdiction over Civil Action brought by an individual who has been adversely affected by a violation of the Privacy Act, See 5 U.S. Code Section 552 a(g)(1). Relief is tied to the nature of the violation alleged. Monetary damages are permitted in suits brought under 5 U.S. Code Section 552a(g)(1)(C) or (D) when "the agency acted in a manner which was intentional or willful" Section 552a(g)(4).

Section 552a(g)(1)(D) permits monetary damages when an agency "fails to comply with any other provision of this section, or any rule promulgated there under, in such a way as to have an adverse effect on an individual." Section 552a(g)(1)(D).

S U G G E S T I O N S

In a Freedom of Information Action (Attached), Plaintiff sought inspection of records in support of the federal prosecution.

In return, the Department of Justice, or its liaison claimed that the requested records were unavailable, or simply did not exist.

The moving papers were sufficient and clearly identified the records sought and the reason for the request, *Haines v. Kerner*, 404 U.S. 519 (US, 1972).

Petitioner now moves for sanction pursuant to 552(g) of the Privacy Act.

He contends that the defendant agency of the United States has failed to comply with the black letter of the Freedom of Information Act, by not providing the requested documents for inspection as detailed in the justified allegation contained in the attached F.O.I.A. request. Vaughn v. Rosen, 484 F.2d 820(DC Cir.,1973).

Plaintiff suffers prejudice from the failure of the defendant to comply with the rudimentary demands of the F.O.I.A. because his right to inspect the documents are not only protected by the Freedom of Information Act, but the records are fundamental to pending litigation which ultimately shows the conviction of one who is in fact and law innocent of any wrong doing against the laws of the United States. Murray v. Carrier, 477 U.S. 478(US,1986).

Although Plaintiff readily acknowledges that this is not the proper forum to bring complaints regarding the characteristics of his legal matters, he makes this Motion for Sanctions only for the purpose of remedying the injuries he suffers for the complete failure of the Defendant to comply with the Freedom of Information Act request.

Plaintiff seeks the total amount of damages for the injuries allowed under the Privacy Act.

C O N C L U S I O N

Wherefore based on the foregoing principles in law, **may it please** the Court to GRANT this Privacy Act Action, and for all other relief just.

/s/ ION VRANCEA
ION CATALIN VRANCEA

DATED: 07 NOVEMBER, 2018.